



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Eleventh day of November Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.11391 of 2021

IN

CRL.M.P.No.13173 of 2021

C.K.DILIP KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
EDF-1 TEAM-1,
VEPERY, CHENNAI.
(CRIME NO.102/2021)

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to Modify the Condition imposed para No.6(a) in the above Crl.O.P.No.13173/2021 order dated 04.08.2021 that and thus render justice.

Order: This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.T.C.GOPALAKRISHNAN, Advocate for the Petitioner and of MR.S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondent and of MR. RAMANATHAN for Intervenor the court made the following order:-

The Petitioner has filed this petition seeking to modify the conditions imposed by this Court in Crl.O.P.No.13173 of 2021 vide order dated 04.08.2021.

2.The case of the prosecution is that the de-facto complainants had entered into a business agreement with one Dinu (A1), who is residing at Dubai to start a medical billing company at Dubai. The de-facto complainants, believing the words of the A1, have invested nearly 60 lakhs in the said business at Dubai. However, he did not start the business but looted the money along with his associates and failed to return the amount. Hence this complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner was granted anticipatory bail in Crl.O.P.No.13173 of 2021 vide order dated 04.08.2021 by imposition of the following conditions :-



(a) the petitioner is directed to surrender his Passport to the Investigation Officer.

(c) the petitioner shall make a deposit of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of the Cr.No.102 of 2021 on the file of the respondent police without prejudice to his defence before the trial Court and on such deposit being made, the concerned Magistrate, after obtaining undertaking from the de-facto complainant that if the petitioner succeeds in the case, the said amount would be refunded back to him, shall disburse the amount to the de-facto complainant. The concerned Magistrate, shall accept the sureties furnished by the petitioner on such deposit being made and proof filed by the petitioner.

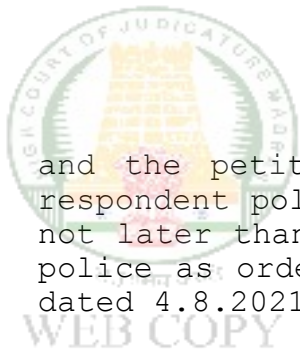
She further submitted that the petitioner has complied with the conditions imposed by this Court and has been regularly appearing before the authority. It is submitted that the petitioner has filed this present petition seeking modification of the condition relating to return of passport for the purpose of travelling to Dubai, since the petitioner is working as Dentist in Dubai and has an U.A.E Residence Visa. According to the condition of visa, the residence permit becomes invalid if the bearer resides out of the U.A.E for more than six months. Hence, she prays that direction may be issued to the respondent to return the passport for a period as may be prescribed by this Court so as to enable him to proceed to Dubai and return back within a fortnight for complying the visa conditions so that it may not affect the livelihood of the petitioner.

4. The learned counsel appearing for the intervenor submitted that the accused persons jointly made the de-facto complainants to invest in the business and cheated a huge sum of about Rs.85,00,000/- and returning the passport to the petitioner may cause serious prejudice to the defacto complainants in realising the amount. Hence, he vehemently opposed to grant the relief sought for by the petitioner.

5. The learned Government Advocate (Crl side) submits that he has no serious objection to the prayer as sought for by the petitioner.

6. Considering the facts and taking into account the undertaking given by the petitioner that he would return back within a period of fifteen days and surrender his passport back to the respondent so as to safeguard his livelihood, this Court is inclined to grant the relief sought for by the petitioner.

7. Accordingly, this petition is allowed by directing the respondent police to return the passport to the petitioner so as to enable the petitioner to proceed to Dubai for the purpose of complying with the visa conditions and to return back on or before 15.12.2021



and the petitioner is directed to submit an undertaking before the respondent police that he would return back immediately on his return, not later than 15.12.2021 and surrender his passport to the respondent police as ordered by this Court in Crl. O.P. No.13173/2021 vide order dated 4.8.2021.

-sd/-
11/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CCB & CBCID METROPOLITAN MAGISTRATE COURT,
EGMORE, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE SUB INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, EDF-1 TEAM-1,
VEPERY, CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

C.C. to M/S.V.R.APPASWAMEE Advocate on payment of necessary charges

Order

in
CRL MP.11391/2021
in
CRL.O.P.No.13173/2021

Date :11/11/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

INBA-11/11/2021